

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

WENDY L. BRADSHER

DEBTOR

CASE NO. 09-80942

CHAPTER 13

OBJECTION TO CONFIRMATION

COMES NOW, Wells Fargo Bank, NA (hereinafter “Creditor”), a secured creditor in the above captioned case, by and through undersigned counsel, Brock & Scott, PLLC, and hereby objects to the treatment of Creditor’s lien per the terms on the proposed plan filed by Debtors on July 29, 2009. The Objection is supported as follows:

1. On June 8, 2009, the Debtor filed a petition with the Bankruptcy Court for the Middle District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. This Court has jurisdiction over this proceeding pursuant to 28 USC §§ 1334 and 157.
3. Creditor holds a first position lien on real property (hereinafter “Collateral”) described in that Deed of Trust recorded in the Person County Register of Deeds at Book 0184 at Page 0173 and recorded on January 13, 1997 (hereinafter “Deed of Trust”) with an address of 52 Apple Tree Lane, Roxboro, NC 27573. A copy of the Deed of Trust is attached hereto and is incorporated herein as Exhibit “A”.
4. Creditor holds a Promissory Note secured by the Deed of Trust from the Debtor in the original principal amount of \$65,491.00 and dated January 9, 1997 (hereinafter “Note”). A copy of the Note is attached hereto and incorporated herein as Exhibit “B”.
5. The Debtors proposed plan under “3. Personal Property Secured Claims To Be Paid In Full” states their intention to allow the Creditor a secured claim in the amount of \$22,780.00 and all the balance of the claim as unsecured.
6. Debtor’s plan impermissibly seeks to modify Creditor’s rights in the collateral in violation of the anti-modification provision of 11 U.S.C. §1322(b)(2).

WHEREFORE, Wells Fargo Bank, NA prays the Court grant the following relief:

1. Set this matter for hearing at a date and time later to be determined by the Court.
2. Require Debtors' Plan be modified to provide for Creditor as fully secured.
3. For such other and further relief that the Court may deem necessary and proper.

This 30th day of July, 2009.

Brock and Scott, PLLC

/s/ Sean M. Corcoran

Sean M. Corcoran

Attorney for Movant

Brock & Scott, PLLC

5121 Parkway Plaza Drive, Suite 300

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(704) 369-0676

State Bar Number 33387

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he/she is over eighteen (18) years of age and that the OBJECTION TO CONFIRMATION in the above captioned case were this day served upon the below named persons by mailing, postage prepaid, first class mail a copy of such instrument to each person(s), parties, and/or counsel at the addresses shown below:

Wendy L. Bradsher
52 Apple Tree Lane
Roxboro, NC 27574

John T Orcutt
Served electronically

Richard M. Hutson, II
Served electronically

This 30th day of July, 2009.

Brock and Scott, PLLC

/s/ Sean M. Corcoran

Sean M. Corcoran

Attorney for Movant

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